

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Robert W Brown,)	C/A No.: 5:14-cv-01065-JMC-KDW
)	
)	
Plaintiff,)	
)	Report and Recommendation
v.)	
)	
)	
Nurse Practitioner Elizabeth Holcomb,)	
Thomas Byrne, Fred Thompson, Warden)	
McCabe, Captain Brightharp, Lieutenant)	
Williams,)	
)	
Defendants.)	

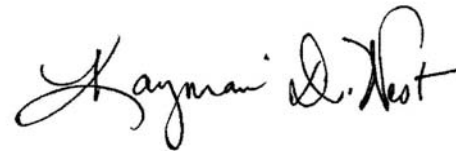
Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On September 2, 2014, all Defendants, except Lieutenant Williams, filed a Motion to Dismiss and alternatively a Motion for Summary Judgment. ECF No. 32. As Plaintiff is proceeding pro se, the court entered an order on September 3, 2014, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file an adequate response. ECF No. 33. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff failed to respond to Defendants' Motion.

Thereafter, the court granted Plaintiff an extension to respond to Defendants' Motion and instructed him to respond on or before October 30, 2014. ECF No. 38. On November 24, 2014, the court ordered Plaintiff to advise whether he wished to continue with the case by

December 22, 2014.¹ ECF No. 42. Plaintiff has filed no response. As such, it appears to the court that he does not oppose the Motion of Defendants and wishes to abandon this action.

Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent than the last name "West".

December 30, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

¹ Additionally, on December 22, 2014, the court entered an order instructing Plaintiff to provide sufficient, accurate, and complete information on Form USM-285 for Lieutenant Williams after service upon him was un-executed. ECF No. 46. The court instructed Plaintiff to provide updated service forms within 21 days of the December 22, 2014 order. *See id.* To date, Plaintiff has failed to respond to the December 22, 2014 order pertaining to executing service on Lieutenant Williams.